

EXHIBIT A

David BenHaim

From: David BenHaim
Sent: Thursday, August 04, 2011 5:59 PM
To: Lesko, Robert; 'Peck, Karen D.'
Cc: Ira S. Lipsius
Subject: Spira; 4227.0001
Attachments: ECOPYSERVER_EXCHANGE_08042011-174700.PDF

Counselors:

Attached, please find my affirmation concerning the ratification of the responses to admissions by Simon Spira. I reviewed your letter dated 5/5/11 to understand what it is that you felt should have been included in the affirmation but was not. To the best of my understanding, your complaints were that (1) the affirmation was not sworn to in an affidavit and that (2) it did not indicate whether each and every response was read to and understood by Simon Spira. It has long been held that an affirmation made under the penalty of perjury suffices in the place of an oath. (see, eg, FRCP 43(b)). Moreover, paragraph 8 of the affirmation stated that "on July 18, 2010 each of the responses to admissions" was ratified by Simon Spira. In any event, in order to satisfy your concern I amended paragraph 8 to make it clear that each request and response was read to and understood by Simon Spira. If there are any other concerns that you feel I have not addressed, kindly let me know. Otherwise, I will assume that the attached affirmation meets the requirements set forth in Judge Yanthis' order of 8/2/11.

Regards,
David

From: ecopy
Sent: Thursday, August 04, 2011 5:47 PM
To: David BenHaim
Subject: Scanned document from ecopy (ecopy@sfl-legal.com)

11/1/2011

UNITED STATES DISTRICT COURT UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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AMERICAN GENERAL LIFE INSURANCE
COMPANY,

Civil Action No.
08-Civ-6813

Plaintiff.

-against-

**AFFIRMATION OF DAVID
BENHAIM**

DIANA SPIRA 2005 IRREVOCABLE LIFE
INSURANCE TRUST, AARON AZRYLEWITZ,
as Trustee, and SIMON SPIRA,

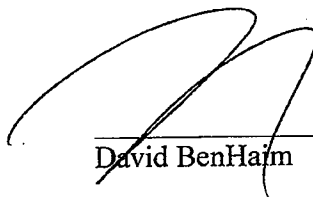
Defendants.
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DAVID BENHAIM, an attorney duly admitted to practice law in the courts of the State of New York, affirms the following to be true under penalty of perjury:

- 1) I am a partner at the law offices of Schindel, Farman, Lipsius, Gardner & Rabinovich LLP, counsel for the defendants and as such am fully familiar with the facts and circumstances of this matter.
- 2) On July 12, 2010, Ira Lipsius spoke with Simon Spira by telephone.
- 3) Among the discovery issues discussed, Simon Spira orally confirmed and ratified his responses to the request for admissions.
- 4) Our billing records show that Ira spent four tenths of an hour addressing the issues.
- 5) On July 16, 2010, I personally called the Spiras to get further verification.
- 6) I was asked to send a copy of the response to admissions so that they could be physically shown to Simon Spira.
- 7) I sent the response to admissions on July 16, 2010.

8) I was advised by the Spira family that on July 18, 2010 each and every of the responses to admissions was read to Mr. Spira and Simon Spira understood each request and each response and that Simon Spira confirmed that the responses were correct.

Dated: New York, New York
August 4, 2011



David BenHaim